

STEVEN MARK KAMP (SBN 116817)

STEVEN KAMP LAW OFFICE
22 Petrilli Circle, Sacramento, CA 95822
Electronic Mail Address: steve.kamp@comcast.net
Telephone: (916) 501-1791 (cellular, voice/text)
Attorney for Plaintiff MS. PARVIN OLFATI

PORTER SCOTT, A Professional Corporation

Carl L. Fessenden, SBN 161494
cfessenden@porterscott.com
Suli A. Mastorakos, SBN 330383
smastorakos@porterscott.com
350 University Ave., Suite 200
Sacramento, California 95825
TEL.: 916.929.1481
FAX.: 916.927.3706

Attorneys for Defendants

COUNTY OF SACRAMENTO, PAMELA PISANI, JENNIFER REIMAN, JENNIFER STEWART,
and SHERIFF'S SERGEANT RONALD BRIGGS

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Ms. PARVIN OLFATI,

Plaintiff,

vs.

COUNTY OF SACRAMENTO, et al.

Defendants.

Case No.: 2:22-CV-01127-JDP

**STIPULATION TO SEVER AND REMAND
PLAINTIFF'S WRIT OF
MANDATE/TWELFTH CAUSE OF
ACTION IN THE FIRST AMENDED
COMPLAINT TO STATE COURT; ORDER**

Plaintiff PARVIN OLFATI ("Plaintiff") and Defendants COUNTY OF SACRAMENTO,
PAMELA PISANI, JENNIFER REIMAN, JENNIFER STEWART, and RONALD BRIGGS,¹
hereby stipulate and agree that Plaintiff's Twelfth Cause of Action for Writ of Mandate in the First

¹ The individual County employees named as Defendants in the FAC are not named as Defendants in the Writ of Mandate twelfth cause of action.

1 Amended Complaint², originally filed in Sacramento County Superior Court, Court Case No. 34-
2 2021-00310164, may be severed from the action and remanded to state court.

3 Good cause exists to sever and remand the Writ of Mandate. Defendants removed this case
4 based on the federal question under 42 U.S.C. Section 1983, and supplemental jurisdiction under 28
5 U.S.C. § 1367(a) over the state law claims which arise out of a shared common nucleus of operative
6 facts.

7 The parties stipulate and recognize, however, that the Writ of Mandate asserted under Cal.
8 Code Civ. Proc. § 1085 as the Twelfth “cause of action” does not share those same common nucleus
9 of operative facts. Moreover, the application and interpretation of the California Public Records
10 Act (CPRA) in California Government Code Sections 6250 through 6276.50 is a complex issues of
11 state law.

12 Good cause also exists insofar as courts decline to exercise supplemental jurisdiction over
13 writs of mandate asserted under Cal. Code Civ. Proc. § 1085. *Wynn v. Hedgpeth*, 2012 U.S. Dist.
14 LEXIS 6548, *15-16 (E.D. Cal. Jan. 19, 2012) (“a writ of mandate is exclusively a state law remedy,
15 and district courts routinely deny supplemental jurisdiction over claims seeking a writ of mandate under
16 section 1085”); *Wilridge v. Kernan*, 2018 WL 2431634, *4 (N.D. Cal. May 30, 2018); *San Francisco*
17 *Apartment Ass'n v. City & Cty. of San Francisco*, 142 F. Supp. 3d 910, 917 n.2 (N.D. Cal. 2015).

18 Thus, recognizing that Plaintiff’s Twelfth Cause of Action for Writ of Mandate in the First
19 Amended Complaint meets the definition of a 28 U.S.C. Section 1441 subdivision (c)(1)(B) “claim
20 not within the original or supplemental jurisdiction of the district court”, and seeking to avoid
21 motion practice, stipulate and agree that it may be severed and remanded pursuant to 28 U.S.C.
22 Section 1441, subdivision (c)(2).
23
24
25
26
27

28 ² First Amended complaint, pages 64: 24 through 72: 16 and 75:1 through 115:28

1 To the extent required under 28 U.S.C. Section 636, subdivision (c) (1) and Eastern District
2 of California Local Rule 301, the parties agree and consent to the disposition of this issue by a
3 United States Magistrate Judge.

4
5 DATED: July 27, 2022

6 Respectfully submitted,

7 By: /s/ Steven M. Kamp

8 Attorney for Plaintiff Ms. Parvin Olfati

9
10 PORTER SCOTT PC

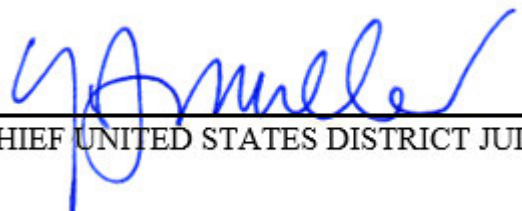
11 By:/s/ Carl L. Fessenden (as authorized on July
12 27, 2022) _____

13 Attorneys for Defendants County of
14 Sacramento, Pamela Pisani, Jennifer Reiman,
Jennifer Stewart and Sheriff's Sergeant Ronald
Briggs

15 **ORDER**

16
17 Good cause appearing, the court severs Plaintiff's Twelfth cause of action for Writ of
18 Mandate and remands same back to state court.

19 DATED: August 18, 2022.

20
21 
22 _____
23 CHIEF UNITED STATES DISTRICT JUDGE
24
25
26
27
28